

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

George Holmes,

Plaintiff,

v.

P. D. McDowell,

Defendant.

Civil Action No. 2:11-1005-SB

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint, filed pursuant to 42 U.S.C. § 1983. In his complaint, the Plaintiff, who is an inmate at the Evans Correctional Institution, alleges that Defendant P. D. McDowell came to his cell to notarize legal papers but refused to do so until the envelopes were addressed. The Plaintiff states that the Defendant was "trying to make [him] send [his] legal mail out without making cop[ies], and [] trying to make [him] mail out [his] legal mail on her time" (Entry 1 at 3.) The Plaintiff seeks monetary damages and asks the Court to keep the Defendant away from his legal mail.

The record contains a report and recommendation ("R&R") of a United States Magistrate Judge, which was made in accordance with 28 U.S.C. § 636(b)(1) and the Local Civil Rules for this District. In the R&R, which was filed on May 20, 2011, the Magistrate Judge recommends that the Court summarily dismiss the Plaintiff's complaint without prejudice for failure to state a claim and failure to exhaust his administrative remedies. Attached to the R&R was a notice advising the Plaintiff of his right to file written objections to the R&R within fourteen days of being served with a copy of that report. See 28 U.S.C. § 636(b)(1). Despite this notice, the Plaintiff failed to file written objections to the R&R, and

the time for doing so has now expired.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R. After a thorough review of the record, the Court finds that the Magistrate Judge accurately summarized the facts and applied the correct principles of law. Accordingly, it is hereby

ORDERED that the R&R (Entry 12) is adopted and incorporated, and the Plaintiff's complaint is dismissed without prejudice and without issuance and service of process.

AND IT IS SO ORDERED.


The Honorable Sol Blatt, Jr.
Senior United States District Judge

June 9, 2011
Charleston, South Carolina

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